

HOUSE No. 723

By Mr. O’Flaherty of Chelsea, petition of Eugene L. O’Flaherty relative to appeals on issues in small claims within the District Court Department of the Trial Court. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT AUTHORIZING APPELLATE DIVISION APPEALS ON ISSUES OF LAW IN SMALL CLAIMS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 23 of chapter 218 of the General Laws,
2 as appearing in the 2002 Official Edition, is hereby amended by
3 striking out the tenth paragraph thereof and inserting in place
4 thereof the following paragraph:—

5 In the Boston municipal court and district court departments,
6 questions of law arising in the disposition before a judge or a jury
7 of a cause under the procedure may be reported or appealed to the
8 appellate division pursuant to the District/Municipal Courts Rules
9 for Appellate Division Appeal.

1 SECTION 2. Section 108 of chapter 231 of the General Laws,
2 as most recently amended by section 15 of chapter 252 of the acts
3 of 2004, is hereby further amended by striking out the first sen-
4 tence thereof and inserting in place thereof the following sen-
5 tence:— There shall be an appellate division of each district court
6 for the rehearing of matters of law arising in civil cases therein, in
7 claims for compensation of victims of violent crimes, in civil
8 motor vehicle infractions, and in the disposition before a judge or
9 a jury of a small claim under section 23 of chapter 218.